

***Division of Public Defender Services  
State of Connecticut***

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DIRECTOR OF DELINQUENCY DEFENSE & CHILD PROTECTION

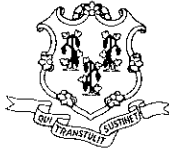
**TESTIMONY OF CHRISTINE RAPILLO  
DIRECTOR OF DELINQUENCY DEFENSE AND CHILD PROTECTION  
DIVISION OF PUBLIC DEFENDER SERVICES**

**COMMITTEE ON CHILDREN  
FEBRUARY 14, 2013  
RAISED BILL 833, AN ACT ADDRESSING THE MEDICAL AND EDUCATIONAL NEEDS OF CHILDREN**

The Office of Chief Public Defender opposes passage of Raised Bill 833, An Act Addressing the Medical and Educational Needs of Children. This proposal would give DCF unlimited authority to make both emergency and routine decisions regarding a child's schooling, medical and mental health treatment while the child is in temporary custody. Allowing DCF authority to make decisions that legally rest with a parent or legal guardian is inappropriate at this stage in the child welfare proceedings, absent a true emergency. This proposal goes too far and infringes on a parent's rights to make educational, medical or mental health decisions for their child too early in the process of a child welfare case.

The standard for taking temporary custody of a child is and should be low. DCF can get temporary custody of a child if a court finds reasonable cause to believe that a child's safety or wellbeing is at imminent risk. The act of taking temporary custody is a serves to safeguard children while a court determines if there is a reason for continued DCF supervision over a family. The issuing of an Order of Temporary Custody should not give DCF the authority to take all decision making power away from a parent prior to a court reviewing the evidence.

An Order of Temporary Custody under Conn. Gen. Stat. Sec.46b-129 is followed up by a hearing where the court reviews the conditions and determines if custody should remain with DCF. At the hearing, evidence is taken, witnesses are questioned and findings are made as to whether a child should remain in DCF custody while the case is litigated. Decisions on the child's routine activities and care should vest with DCF or require parental consent can be made at that hearing.



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OCPD administers the attorneys who represent children and most parents in child welfare cases. They have indicated that there are very few instances where DCF has trouble reaching a parent for decisions on routine matters of educational and medical care. The proposal could be amended to allow DCF to obtain a court order to make decisions in the case of an emergency or if the parent or guardian cannot be located.

DCF has moved towards a more family centered practice model in all areas, allowing DCF to take over all decision making power from a parent prior to a court finding of abuse or neglect runs contrary to this practice model. Authority to make routine decisions before a parent has an opportunity to be heard in court denies the parent their constitutional right to family integrity without due process of law. Children can be kept safe and healthy without giving such unlimited power to DCF. The Office of Chief Public Defender urges this Committee to consider amending this proposal to allow DCF to make decisions only if a parent is missing or if an actual emergency exists.